HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 5053 of 2007

DATED: 13-03-2007

Between:

Papineni Chakrapani

…Petitioner

and

The District Collector,
East Godavari District,
Kakinada and another

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5053 of 2007

ORAL ORDER:

The writ petition is misconceived.

The petitioner assails the order of the 1st respondent dated 13-2-2007 considering the objections lodged by the petitioner under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act') and rejecting them while deciding to proceed with the acquisition.

The land of the petitioner in an extent of Ac.5-30 cents in Jalluru Village of Pithapuram Mandal was notified for acquisition for provision of House sites to weaker sections under Indiramma Scheme. Notice under Section 5-A of the Act was issued. The petitioner lodged his objections in a memorandum dated 9-11-2006. The substantive objection to the acquisition lodged by the petitioner is that while the Section 4(1) notification mentions the proposal to acquire an extent of Ac.5-30 cents in Sy.No.159 of the Village, what extent of the petitioner's land and of the other land owner would be acquired, is not mentioned. To this objection, the 1st respondent, in the impugned order recorded that as per the revenue records, the petitioner and the other land owner by name Pokala Veerabai are the owners of the land in an extent of Ac.12-20 cents in Sy.No.159 and it is a paddy field. In the circumstances, the extent proposed for acquisition of Ac.5-30 cents in Sy.No.159 is mentioned jointly. The compensation determined would be paid jointly or as per their documentary recorded evidence, in accordance with the entitlement of any rival claims.

Other objection of the petitioner was that there was an alternative land available, namely, Grama Kantam in Sy.No.96 measuring Ac.1-94 cents of dry land abutting the existing Village and the land belonging to the MSN charities adjoining the road leading to the Village and those lands should have been acquired. To this, the 1st respondent recorded that on account of the ban on acquisition of Endowment lands by the High Court, the lands of MSN charities are not proposed to be acquired. The other objections of the petitioner relate to the structures in the land. These have been contested. In any event, the other objections do not pertain to the competence or rationality of the acquisition process.

In the context of the well considered order of the 1st respondent dealing with the objections and rejecting the same for valid reasons, this Court find no infirmity in the impugned order warranting interference.

The writ petition is misconceived and is accordingly dismissed at the stage of admission after hearing the learned Government Pleader for Land Acquisition also. There shall be no order as to costs.

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GODA RAGHURAM, J

13-03-2007
GRR